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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,325	02/07/2002	Masato Yoshikawa	G0126.0003/0US0	4581

7590 12/21/2005

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EXAMINER
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AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/067,325	YOSHIKAWA, MASATO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1, 2, 4-9, 11-17 remain pending.
2. Claims 3 and 10 have been canceled.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 September 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1, 2, 8, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chernock et al. (US 6,314,569 B1), hereinafter referred to as Chernock.
6. Regarding claim 1, Chernock discloses a plural media data synchronizing system which connects image source to network data obtained from a network, comprising:

an inserting unit which inserts into the image source an image marking including information that is used to display the network data synchronizing with displaying of the image source and is extracted from the image source (col. 2, lines 36-44, Chernock teaches the use of a set top box (STB) that receives information and places graphic objects and video objects in synchronization.);

an image supplying unit which supplies the image-marked image source in which the image marking has been inserted by the inserting unit, via a predetermined medium (col. 2, lines 36-37, Chernock teaches the STB utilizing graphics and video objects.);

an editing and integrating unit which receives the image source from the image supplying unit and performs at least one of editing of the received image source and integrating of the received image source, to produce image contents (col. 2, lines 36-44, Chernock teaches the producing of the synchronizing step, specifically the creation of video presentations in which objects in the original video or animation interact and move in tandem with video or graphics objects.);

a display unit which detects the image marking from the image contents, and displays the image contents and the network data synchronously based on synchronizing information obtained from the detected image marking (col. 5, lines 26-30, Chernock teaches the use of equipment, television set or monitor screen, in conjunction with a processing system, receives the multimedia presentation to display to a user/viewer.);

wherein the inserting unit (a) produces a feature file used for moving picture matching based on the image source (col. 4, lines 10-25, Chernock teaches the use of a

file containing HTML tags to organize important information necessary for the multimedia presentation to work correctly.), (b) inserts the image marking including a description about a location where the feature file is stored, into the image source (col. 4, lines 4-9, Chernock discloses the use of an authoring system to create control information, the control information providing information as to how multimedia should be handled.), and (c) produces a synchronizing script, generated with the feature file, said synchronizing information script showing when the network data are displayed and allowing identification of web contents related to points in the image source (col. 4, lines 56-66, Chernock teaches the use of providing information regarding when multimedia should be displayed and at what points (beginning and ending times) in order to synchronize multimedia correctly.).

7. Claims 8, 15, 16, and 17 contain similar subject matter and are rejected under the same rationale as claim 1.

8. Regarding claim 2, Chernock discloses the system wherein the image supplying unit supplies the image source by using a plurality of media (col. 3, ll. 54-56, Chernock teaches the use of audio and video objects.).

9. Claim 9 contains similar subject matter and is rejected under the same rationale as claim 2.

10. Regarding claim 4, Chernock discloses the system wherein the editing and integrating unit performs the at least one of the editing and the integrating by using the feature file and the synchronizing information script (col. 5, ll. 14-24, Chernock teaches

the use of utilizing the control information and the audio/video information when producing/displaying the multimedia presentation.).

11. Claim 11 contains similar subject matter and is rejected under the same rationale as claim 4.

12. Regarding claim 5, Chernock discloses the system wherein the image marking includes information used to access the network data based on a synchronizing timing of the image source (col. 4, lines 56-59, Chernock teaches the use of time stamping to mark the beginning and ending of when synchronization between multimedia should be performed.).

13. Claim 12 contains similar subject matter and is rejected under the same rationale as claim 5.

14. Regarding claim 6, Chernock discloses the system wherein the inserting unit inserts the image marking into the image source for each medium by which the image source is supplied (col. 4, lines 10-24, Chernock discloses the insertion of a marking into the video/audio (use of a "hole").).

15. Claim 13 contains similar subject matter and is rejected under the same rationale as claim 6.

16. Regarding claim 7, Chernock discloses the system wherein the image marking includes information used to access the network data based on a synchronizing timing of the image source, and information of the network data (col. 4, lines 56-59, Chernock teaches the use of time stamping to mark the beginning and ending of when synchronization between multimedia should be performed.).

17. Claim 14 contains similar subject matter and is rejected under the same rationale as claim 7.

***Response to Arguments***

18. Applicant's arguments with respect to claims 1, 2, 4-9, and 11-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**